



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

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WETLANDS AND NON-SITE SPECIFIC PERMIT 2015-01595

Permittee: NH Dept. of Transportation
PO Box 483
Concord, NH 03302-0483

Project Location: US Route 1 Bypass & Submarine Way, Portsmouth
Portsmouth Tax Map/Lot No. Right-of-Way

Waterbody: North Mill Pond

**NOTE--
CONDITIONS**

APPROVAL DATE: 08/30/2016

EXPIRATION DATE: 08/30/2021

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Based upon review of the above referenced application, in accordance with RSA 482-A and RSA 485-A:17, a Wetlands Permit and Non-Site Specific Permit was issued. This permit shall not be considered valid unless signed as specified below.

PERMIT DESCRIPTION: Improve the Submarine Way intersections with Route 1 Bypass and Market Street, construct a sidewalk, a new closed drainage system and riprap the outfall into a tidal channel impacting a total of 7,132 sq. ft. (2,060 sq. ft. temporary) of previously developed upland in the Tidal Buffer Zone, palustrine and tidal wetlands. NHDOT project 13455-E

Compensatory mitigation includes a one-time payment of \$4,975.88 to the Aquatic Resource Mitigation Fund. The application has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design, dated "06-2016" as received by the NH Department of Environmental Services (DES) on July 20, 2016.
2. This approval is not valid until DES receives a one-time payment \$4,975.88 to the Aquatic Resource Mitigation Fund. The applicant shall remit payment to DES. If DES does not receive payment within 120 days of the date of this approval letter, DES will deny the application.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 ft. of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in place until the area is stabilized.
7. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.

DES Web site: www.des.nh.gov

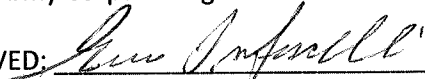
P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3501 • Fax: (603) 271-6683 • TDD Access: Relay NH 1-800-735-2964

9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be re-vegetated as quickly as possible.
11. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
12. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
13. The impacts associated with the temporary work shall be restored immediately following construction.
14. No work shall be conducted in tidal water between April 15 and June 30.
15. Maintenance of the mechanical treatment system shall be in accordance with the manufacturer's specifications and records shall be made available upon request until the adjacent mitigation for the Sarah Long Bridge has been deemed complete.

GENERAL CONDITIONS THAT APPLY TO ALL DES WETLANDS PERMITS:

1. A copy of this permit shall be posted on site during construction in a prominent location visible to inspecting personnel;
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
3. The Wetlands Bureau shall be notified upon completion of work;
4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits, and/or consult with other agencies as may be required (including US EPA, US Army Corps of Engineers, NH Department of Transportation, NH Division of Historical Resources (NH Department of Cultural Resources), NHDES-Alteration of Terrain, etc.);
5. Transfer of this permit to a new owner shall require notification to and approval by DES;
6. This project has been screened for potential impacts to **known** occurrences of rare species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have received only cursory inventories, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species.
7. Review enclosed sheet for status of the US Army Corps of Engineers' federal wetlands permit.

APPROVED: 
Gino Infascelli
DES Wetlands Bureau

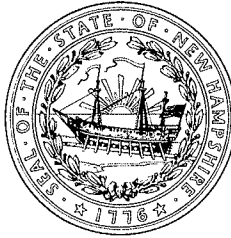
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BY SIGNING BELOW I HEREBY CERTIFY THAT I HAVE FULLY READ THIS PERMIT AND AGREE TO ABIDE BY ALL PERMIT CONDITIONS.

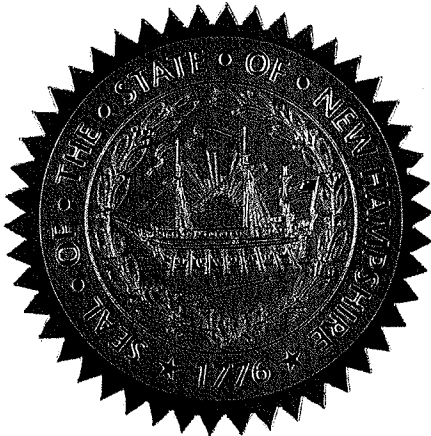

OWNER'S SIGNATURE (required)

CONTRACTOR'S SIGNATURE (required)

NEW HAMPSHIRE DEPARTMENT OF STATE



*I, David M. Scanlan, Deputy Secretary Of State, of the State of New Hampshire, do hereby certify that the Governor and Executive Council, at their meeting on October 26, 2016 approved **ITEM** #78 NH Department of Transportation's request to perform work on North Mill Pond in Portsmouth.*



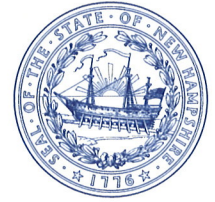
In Testimony Whereof , I hereto set my hand and cause to be affixed the Seal of the State of New Hampshire, this twenty-sixth day of October, in the year of Our Lord, two thousand and sixteen.

A handwritten signature in black ink, reading "DM Scanlan".

Deputy Secretary of State



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

December 07, 2016

NH Dept Of Transportation
PO Box 483
Concord, NH 03302-0483

RE: New Hampshire Department of Environmental Services (NHDES)
Wetlands Bureau File #2015-01595, 13455-E, US ROUTE 1 BYPASS & SUBMARINE WAY, PORTSMOUTH

Dear Sir or Madam:

This letter confirms the receipt of \$4,975.88 for the Us Route 1 Bypass/Submarine Way project, for the sale of 0.02 of credits noted below to compensate for the following impacts to habitats in Salmon Falls - Piscataqua Rivers watershed/service area. These impacts are authorized by NHDES and the Corps permits as follows:

# of Credits	Wetland Type	Service Area
0.02	Estuarine Subtidal -Unconsolidated bottom (Tidal Buffer Zone)	Salmon Falls - Piscataqua Rivers

By making this payment, the Permittee permanently transfers responsibility for the mitigation liability to DES, Aquatic Resource Mitigation (ARM) Fund Program. By accepting the mitigation payment, DES is solely responsible for use of these funds, less an administrative fee, to provide compensatory mitigation for the above-described impacts.

Sincerely,

Lori L. Sommer
DES Wetland Mitigation Coordinator

cc: Ruth Ladd,USACOE (Ruth.M.Ladd@usace.army.mil)



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DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

**NOTICE TO RECIPIENTS OF
MAJOR IMPACT NH WETLANDS PERMITS**

Your permit was approved by the New Hampshire Wetlands Bureau as a major impact project, and your project will be reviewed by the US Army Corps of Engineers for possible approval under the Army Corps New Hampshire State Programmatic General Permit – SPGP. The Army Corps will notify you within thirty (30) days as to whether you qualify.

*******NO WORK SHOULD BE DONE IN WETLANDS
UNTIL YOU RECEIVE THAT NOTICE*******

If you do not hear from the Army Corps within thirty (30) days, you should call them at 1-800-343-4789 (ME, NH, VT, CT, RI); 1-800-362-4367 (MA).

cc: US Army Corps. of Engineers